

UNITED STATES DISTRICT COURT

for the

Eastern District of Tennessee

United States of America

v.

HARVEY B. HORN
BREANNA M. HEATHERLY

Defendant(s)

Case No. 3:20-MJ-

1064

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 17, 2020 to April 24, 2020 in the county of Knox/Blount in the Eastern District of Tennessee, the defendant(s) violated:

Code Section

21 U.S.C. §§ 846, 841(a)(1), 841(b)(1) (B), and 841(b)(1)(C).

Offense Description

Combine, conspire, confederate, and agree with one another and others to knowingly, intentionally and without authority, to distribute 40 grams or more of a mixture and substance containing a detectable amount of fentanyl, a Schedule II controlled substance, and a quantity of a mixture and substance containing a detectable amount of acetyl fentanyl, a Schedule II controlled substance.

This criminal complaint is based on these facts:

See attached Affidavit of DEA Task Force Officer Bradley Robbins.

☒ Continued on the attached sheet.

Bradley Robbins
Complainant's signature

DEA TFO Bradley Robbins

Printed name and title

Sworn to before me and signed in my presence.

Date:

4/24/2020

Debra C Poplin
Judge's signature

City and state:

Knoxville, Tennessee

Debra C. Poplin

Printed name and title

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

IN THE MATTER OF A CRIMINAL COMPLAINT)
AND ARREST WARRANT FOR:)

3:20-MJ-

1064

HARVEY B. HORN, and)
BREANNA M. HEATHERLY)

AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A CRIMINAL COMPLAINT

I, Bradley Robbins, being duly sworn, deposes and says:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Task Force Officer ("TFO") with the Drug Enforcement Administration ("DEA"), United States Department of Justice. I have also been employed as a Tennessee Highway Patrolmen with the Tennessee Highway Patrol ("THP") since 2013. I have been involved in the field of law enforcement for more than twelve years. In my current assignment as a TFO with the DEA, I am charged with the investigation of criminal conduct in violation of Title 21 of United States Code as well as related criminal acts, such as money laundering and firearms offenses. I have served as the case agent in the execution of multiple search and arrest warrants during my service and have also worked with other law enforcement officers in their investigations.

2. This affidavit is submitted in support of an application for arrest warrants of HARVEY B. HORN, 43 years old, of Highland Park, MI, and BREANNA M. HEATHERLY, 25 years old, of Jacksboro, TN.

3. This affidavit is based upon my training and experience, and information obtained from other law enforcement officers and agents involved in this investigation. Since this affidavit is being submitted for the limited purpose of securing an arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to demonstrate that HORN and HEATHERLY, conspired to distribute 40 grams or more of a mixture and substance containing a detectable amount of fentanyl, a Schedule II controlled substance, and a quantity of a mixture and substance containing a detectable amount of acetyl fentanyl, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 846, 841(a)(1), 841(b)(1)(B), and 841(b)(1)(C).

RELEVANT STATUTES

4. As noted above, this investigation concerns alleged violations of the following statutes:

21 U.S.C. §§ 846, 841(a)(1), 841(b)(1)(B) and 841(b)(1)(C) – Conspiracy to distribute fentanyl, a Schedule II controlled substance, and acetyl fentanyl, a Schedule I controlled substance.

PROBABLE CAUSE

5. On March 17, 2020, TBI Special Agent Neal Baldwin and 5th DTF Agents Craig Flanigan and Derrick McMurray received information from a confidential source (CS) of a white female known to her¹ as "BRE" who sells and distributes suspected heroin primarily in the Blount County area, but also in Knox County, Tennessee. CS identified "BRE" to be Breanna Morgan Heatherly (hereinafter referred to as "HEATHERLY"). CS also said HEATHERLY had informed her that she knows a male from Detroit, Michigan (later identified as Harvey Blyn Horn,

¹ For the remainder of this affidavit, CS will be referred to as "she" or "her." This is not intended to be an indication of the actual gender of the CS, but only used for ease of reading.

hereinafter referred to as “HORN”), who lives in Knoxville. HEATHERLY told CS she will travel to either Detroit, Michigan, or Cleveland, Ohio, in order to receive a new supply of heroin every eight to ten days for HORN. HEATHERLY told CS that she rented multiple apartments for HORN in the Knoxville area, but that she lives with her mother in Campbell County, Tennessee. CS also stated HEATHERLY always drives a gray Ford Fusion when selling and distributing heroin.

6. That same day, March 17, 2020, agents utilized CS to arrange conduct a controlled transaction of suspected heroin from HEATHERLY. Through recorded messages to telephone number 865-617-6014, CS arranged to purchase 3.5 grams of Heroin from HEATHERLY for \$600. HEATHERLY instructed CS to meet her at the Pilot gas station located at 1907 Hawks Landing Drive, Louisville, Tennessee 37777, in order to complete the transaction. Later that afternoon, CS traveled to the Pilot gas station. A brief period later, a gray Ford Fusion bearing Tennessee license plate #BLY-111 arrived in the parking lot and parked next to the vehicle driven by CS. CS entered HEATHERLY’s vehicle, provided HEATHERLY with the \$600, and received from HEATHERLY a brown, rock-like substance believed to be heroin, weighing approximately 3.3 grams.

7. On March 27, 2020, agents again utilized CS to arrange and conduct a controlled purchase of heroin from HEATHERLY. Through a series of recorded messages to telephone number 865-617-6014, CS established contact with HEATHERLY. CS met HEATHERLY at the Weigel's gas station located at 2024 Topside Road, Louisville, Tennessee 37777. CS entered HEATHERLY’s vehicle, provided HEATHERLY \$600, and HEATHERLY handed CS one plastic bag containing a gray powder and rock-like substance believed to heroin, weighing approximately 3.4 grams.

8. On April 3, 2020, agents utilized CS to arrange and conduct another controlled purchase of heroin from HEATHERLY. Through a series of messages on the application Text Now, CS established contact with HEATHERLY. CS met HEATHERLY at the Weigel's gas station located at 2024 Topside Road, Louisville, Tennessee 37777. CS entered HEATHERLY's vehicle, provided HEATHERLY with \$600, and HEATHERLY handed CS one plastic bag containing a gray powder and rock-like substance believed to be heroin, weighing approximately 3.2 grams.

9. On April 6, 2020, agents responded to an overdose death in Loudon County, TN of J.E. Agents discovered a white powder substance near J.E.'s body. Agents determined to be the victim of an overdose death. Through the investigation, agents ultimately spoke with CS-2, as a source of drugs for J.E. CS-2 advised he² had purchased 0.5 to 1.5 grams of heroin from a black male nicknamed "Big Mike" ("HORN") on multiple occasions. CS-2 provided a telephone number for HORN as 313-742-9511. CS-2 then provided agents with consent to retrieve text messages from his cellular telephone depicting conversations with HORN. CS-2 advised he purchased heroin from HORN by arranging the transaction through voice telephone calls on April 5, 2020. CS-2 stated J.E. had requested to purchase heroin to use himself. On the evening of April 5, 2020, CS-2 rode in a vehicle with J.E. to meet with HORN at the Exxon gas station located at 8605 Walbrook Drive, Knoxville, TN 37923, in order to obtain the drugs. CS-2 stated he ultimately purchased 0.5 grams of heroin for \$90 in U.S. currency from HORN as they both entered the Exxon. CS-2 advised he observed HORN exit a gray Ford Fusion, which matched the description of the vehicle observed that had been driven by HEATHERLY when distributing heroin. CS-2 stated he and HORN walked into the gas station, HORN handed CS-2 suspected heroin from

² For the remainder of this affidavit, CS-2 will be referred to as "he" or "his." This is not intended to be an indication of the actual gender of CS-2, but only used for ease of reading.

behind his back, and CS-2 placed \$90 in U.S. currency into HORN's hand. CS-2 provided the drugs he received from HORN to J.E. On April 7, 2020, agents with the 9th DTF responded to the Exxon and were able to retrieve surveillance footage from April 5, 2020 depicting the interaction between HORN and CS-2. The video footage corroborated the statements of CS-2 concerning the hand-to-hand exchange. In addition, on April 22, 2020, the Knox County Forensics Center provided investigators with the autopsy report for J.E. The cause of death was determined to be fentanyl, acetyl fentanyl and alprazolam intoxication.

10. On April 8, 2020, agents once again met with CS to arrange and conduct a controlled purchase of suspected heroin from HEATHERLY. Through telephone calls to telephone number 865-617-6014, and messages through the application Text Now, CS established contact with HEATHERLY and requested to purchase drugs. CS met HEATHERLY at the Pilot gas station located at 1907 Hawks Landing, Louisville, Tennessee 37777. CS entered HEATHER's vehicle, provided HEATHERLY with \$600, and HEATHERLY handed CS one larger plastic bag comprised of two smaller plastic bags containing a hardened beige substance believed to be heroin, weighing approximately 3.3 grams. CS requested if she could purchase one-quarter ounce of heroin the next time CS met with HEATHERLY. HEATHERLY advised she would have to speak with her supplier in order to confirm the requested order of heroin. CS advised she understood, exited Heatherly's car, returned to her vehicle, then drove away from the gas station.

11. On April 9, 2020, agents utilized CS-2 to arrange and conduct a controlled purchase of heroin from HORN. Through a recorded telephone call to telephone number 313-742-9511, CS-2 established contact with HORN. Through a series of communications, HORN instructed CS-2 to meet him at the Pilot gas station located at 206 Walker Springs Road, Knoxville,

Tennessee 37923. Once CS-2 arrived at the gas station, he parked his vehicle in a parking space. After a period of time, agents observed HEATHERLY's Ford Fusion enter the parking lot of the gas station and park next to a gas pump. Agents identified HEATHERLY as the driver of the vehicle and HORN as the passenger. HORN exited the vehicle and began approaching the front door of the gas station. CS-2 then exited his vehicle and began following HORN. HORN and CS-2 then began to enter the gas station. As HORN crossed the threshold into the gas station, CS-2 was directly behind him. Agents observed HORN place his right hand behind his back and hand CS-2 one plastic bag containing a beige rock-like substance believed to be heroin, weighing approximately 0.53 grams. CS-2 then provided HORN with \$90 in the same hand from which he had retrieved the suspected heroin.

12. On April 10, 2020, pursuant to a federal search warrant and pen-register authorized by United States Magistrate Judge Debra C. Poplin, law enforcement began obtaining geo-location tracking and pen register information of the cell phone of HORN.

13. On April 21, 2020, law enforcement again met with CS to arrange and conduct a controlled transaction of heroin from HEATHERLY. Through a recorded telephone call to telephone number 865-617-6014, CS established contact with HEATHERLY. CS met HEATHERLY at Dollar General located at 1755 Topside Road, Louisville, TN 37777. CS entered HEATHERLY's vehicle, provided HEATHERLY with \$1,170, HEATHERLY handed CS a hardened beige substance believed to be fentanyl, weighing approximately 7.2 grams.

14. On April 23, 2020, law enforcement met CS in Blount County, TN, to arrange and conduct a controlled transaction of heroin from HEATHERLY. Through a recorded telephone call to telephone number 865-617-6014, CS established contact with HEATHERLY. CS met HEATHERLY at Dollar General located at 1755 Topside Road, Louisville, TN 37777. CS entered

HEATHERLY's vehicle, provided HEATHERLY with \$1,180, and HEATHERLY handed CS a hardened beige substance believed to be fentanyl, appearing to be approximately one quarter ounce.

15. On April 24, 2020, pursuant to a federal search warrant authorized by United States Magistrate Judge Debra C. Poplin, law enforcement executed a search warrant at 209 Norcross Drive NW, Knoxville, TN 37923. HORN and HEATHERLY were both present at the residence. Agents found over \$1,600 in cash and approximately one half ounce of beige powder of suspected fentanyl.

CONCLUSION

16. Based on the foregoing, I respectfully submit there is probable cause to establish that HARVEY B. HORN and BREANNA M. HEATHERLY conspired to distribute fentanyl, a Schedule II controlled substance, and acetyl fentanyl, a Schedule I controlled substance.



Bradley Robbins
Task Force Officer
DEA

SUBSCRIBED and SWORN before me this 24th day of April, 2020



DEBRA C. POPLIN
UNITED STATES MAGISTRATE JUDGE